

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOHNNY D. PENNINGTON)	
)	
COMPLAINANT)	
)	
V.)	CASE NO.
)	2015-00260
)	
KENTUCKY POWER COMPANY)	
)	
DEFENDANT)	

ORDER

On September 29, 2015, Defendant, Kentucky Power Company (“Kentucky Power”), filed a motion to dismiss the complaint of Johnny D. Pennington (“Complainant”) or, alternatively, for summary judgment. By Order entered on February 18, 2016, the Commission denied the motion and established a procedural schedule. The procedural schedule required that requests for information be filed no later than February 25, 2016, and responses to the requests be filed no later than March 10, 2016.

Pursuant to the procedural schedule, Kentucky Power submitted requests for information to Complainant on February 24, 2016. Commission Staff propounded requests for information to Complainant and Kentucky Power on February 25, 2016. In accordance with the procedural schedule, Kentucky Power filed its responses to Commission Staff’s requests for information on March 10, 2016. As of the date of this

Order, Complainant has not filed responses to the requests for information of either Kentucky Power or Commission Staff.

The Commission finds that Complainant has failed to comply with the procedural schedule established by the Commission in its Order entered on February 18, 2016. The Commission further finds that Complainant should file responses to Kentucky Power and Commission Staff's requests for information within ten days of the date of this Order.

The Commission is authorized to dismiss a complaint with prejudice due to failure by a complainant to prosecute the matter or to comply with an Order of the Commission.¹ The Commission finds that if Complainant fails to file responses to Kentucky Power and Commission Staff's requests for information within ten days of the date of this Order, his complaint should be dismissed with prejudice for failure to prosecute this matter and for failure to comply with this Order.

IT IS THEREFORE ORDERED that:

1. Complainant shall file responses to Kentucky Power and Commission Staff's requests for information within ten days of the date of this Order.

2. If Complainant fails to file, within ten days of the date of this Order, responses to Kentucky Power and Commission Staff's requests for information or a written request for additional time explaining why additional time is needed, his Complaint shall be dismissed with prejudice.

¹ See Case No. 2010-00404, *Bulldog's Enterprises, Inc. d/b/a Bulldog's Roadhouse v. Duke Energy Kentucky, Inc.* (Ky. PSC Mar. 20, 2012) at 2.

By the Commission

ENTERED
MAR 30 2016
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Acting Executive Director *for*

Case No. 2015-00260

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